

AMENDMENTS TO LB 39

(Amendments to Standing Committee amendments, AM116)

Introduced by Schimek, 27

1           1. Strike section 2 and insert the following new  
2 sections:

3           Section 1. Section 32-628, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           32-628 (1) All petitions prepared or filed pursuant to  
6 the Election Act or any petition which requires the election  
7 commissioner or county clerk to verify signatures by utilizing the  
8 voter registration register shall provide a space at least two and  
9 one-half inches long for written signatures, a space at least two  
10 inches long for printed names, and sufficient space for date of  
11 birth and street name and number, city or village, and zip code.  
12 Lines on each petition shall not be less than one-fourth inch  
13 apart. Petitions may be designed in such a manner that lines for  
14 signatures and other information run the length of the page rather  
15 than the width. Petitions shall provide for no more than twenty  
16 signatures per page.

17           (2) For the purpose of preventing fraud, deception,  
18 and misrepresentation, every sheet of every petition containing  
19 signatures shall have upon it, above the signatures, the statements  
20 contained in this subsection, except that a petition for recall  
21 of an elected official shall also have the additional information  
22 specified in subsection (2) of section 32-1304. The statements

1 shall be printed in boldface type in substantially the following  
2 form:

3           WARNING TO PETITION SIGNERS--VIOLATION OF ANY OF THE  
4 FOLLOWING PROVISIONS OF LAW MAY RESULT IN THE FILING OF CRIMINAL  
5 CHARGES: Any person who signs any name other than his or her own to  
6 any petition or who is not qualified to sign the petition shall be  
7 guilty of a Class I misdemeanor. Any person who falsely swears to  
8 a circulator's affidavit on a petition, who accepts money or other  
9 things of value for signing a petition, or who offers money or  
10 other things of value in exchange for a signature upon any petition  
11 shall be guilty of a Class IV felony.

12           (3) Every sheet of a petition which contains signatures  
13 shall have upon it, below the signatures, an affidavit as provided  
14 in this subsection, except that the affidavit for a petition for  
15 recall of an elected official shall also include the additional  
16 language specified in subsection (3) of section 32-1304. The  
17 affidavit shall be in substantially the following form:

18           STATE OF NEBRASKA)  
19           ) ss.  
20           COUNTY OF .....)  
21           ....., (name of circulator) being  
22 first duly sworn, deposes and says that he or she is the circulator  
23 of this petition containing ..... signatures, that he or she  
24 is an elector of the State of Nebraska, that each person whose  
25 name appears on the petition personally signed the petition in  
26 the presence of the affiant, that the date to the left of each  
27 signature is the correct date on which the signature was affixed

1 to the petition and that the date was personally affixed by the  
2 person signing such petition, that the affiant believes that each  
3 signer has written his or her name, street and number or voting  
4 precinct, and city, village, or post office address correctly, that  
5 the affiant believes that each signer was qualified to sign the  
6 petition, and that the affiant stated to each signer the object of  
7 the petition as printed on the petition before he or she affixed  
8 his or her signature to the petition.

9 Circulator .....

10 Address .....

11 Subscribed and sworn to before me, a notary public, this  
12 ..... day of ..... 20.... at ....., Nebraska.

13 Notary Public .....

14 (4) Each sheet of a petition shall have upon its face  
15 and in plain view of persons who sign the petition a statement in  
16 letters not smaller than sixteen-point type in red print on the  
17 petition. If the petition is circulated by a paid circulator, the  
18 statement shall be as follows: This petition is circulated by a  
19 paid circulator. If the petition is circulated by a circulator who  
20 is not being paid, the statement shall be as follows: This petition  
21 is circulated by a volunteer circulator.

22 Sec. 2. Section 32-629, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 32-629 (1) Except as otherwise provided in section  
25 32-1404 for initiative and referendum petitions, only a registered  
26 voter of the State of Nebraska shall qualify as a valid signer of a  
27 petition and may sign petitions under the Election Act.

1           (2) Only an elector of the State of Nebraska shall  
2 qualify as a valid circulator of a petition and may circulate  
3 petitions under the Election Act.

4           Sec. 4. Section 32-1303, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6           32-1303 (1) A petition demanding that the question of  
7 removing an elected official or member of a governing body listed  
8 in section 32-1302 be submitted to the registered voters shall be  
9 signed by registered voters equal in number to at least thirty-five  
10 percent of the total vote cast for that office in the last general  
11 election, except that (a) for an office for which more than one  
12 candidate is chosen, the petition shall be signed by registered  
13 voters equal in number to at least thirty-five percent of the  
14 number of votes cast for the person receiving the most votes for  
15 such office in the last general election, (b) for a member of a  
16 board of a Class I school district, the petition shall be signed  
17 by registered voters of the school district equal in number to at  
18 least twenty-five percent of the total number of registered voters  
19 residing in the district on the date that the recall petitions  
20 are first checked out from the filing clerk by the principal  
21 circulator, and (c) for a member of a governing body of a village,  
22 the petition shall be signed by registered voters equal in number  
23 to at least forty-five percent of the total vote cast for the  
24 person receiving the most votes for that office in the last general  
25 election. The signatures shall be affixed to petition papers and  
26 shall be considered part of the petition.

27           (2) Petition circulators shall conform to the

1 requirements of ~~section~~ sections 32-629 and 32-630.

2           (3) The petition papers shall be procured from the  
3 filing clerk. Prior to the issuance of such petition papers, an  
4 affidavit shall be signed and filed with the filing clerk by  
5 at least one registered voter. Such voter or voters shall be  
6 deemed to be the principal circulator or circulators of the recall  
7 petition. The affidavit shall state the name and office of the  
8 official sought to be removed, shall include in typewritten form  
9 in concise language of sixty words or less the reason or reasons  
10 for which recall is sought, and shall request that the filing  
11 clerk issue initial petition papers to the principal circulator  
12 for circulation. The filing clerk shall notify the official sought  
13 to be removed by any method specified in section 25-505.01 or,  
14 if notification cannot be made with reasonable diligence by any  
15 of the methods specified in section 25-505.01, by leaving a copy  
16 of the affidavit at the official's usual place of residence and  
17 mailing a copy by first-class mail to the official's last-known  
18 address. If the official chooses, he or she may submit a defense  
19 statement in typewritten form in concise language of sixty words  
20 or less for inclusion on the petition. Any such defense statement  
21 shall be submitted to the filing clerk within twenty days after the  
22 official receives the copy of the affidavit. The filing clerk shall  
23 notify the principal circulator or circulators that the necessary  
24 signatures must be gathered within thirty days from the date of  
25 issuing the petitions.

26           (4) The filing clerk, upon issuing the initial petition  
27 papers or any subsequent petition papers, shall enter in a record,

1 to be kept in his or her office, the name of the principal  
2 circulator or circulators to whom the papers were issued, the date  
3 of issuance, and the number of papers issued. The filing clerk  
4 shall certify on the papers the name of the principal circulator  
5 or circulators to whom the papers were issued and the date they  
6 were issued. No petition paper shall be accepted as part of the  
7 petition unless it bears such certificate. The principal circulator  
8 or circulators who check out petitions from the filing clerk may  
9 distribute such petitions to persons who may act as circulators of  
10 such petitions.

11 (5) Petition signers shall conform to the requirements  
12 of sections 32-629 and 32-630. Each signer of a recall petition  
13 shall be a registered voter and qualified by his or her place of  
14 residence to vote for the office in question.

15 Sec. 5. Section 32-1404, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 32-1404 A signer of an initiative and referendum petition  
18 shall be a registered voter of the State of Nebraska on or  
19 before the date on which the petition is required to be filed  
20 with the Secretary of State and shall meet the requirements of  
21 section 32-630. A person who circulates initiative and referendum  
22 petitions ~~need not be a registered voter but~~ shall comply with the  
23 requirements of section 32-629 and subsection (2) of section 32-630  
24 and with the prohibitions contained in subdivisions (3)(a), (d),  
25 and (f), and (g) of section 32-630.

26 2. On page 7, line 26, strike "32-630" and insert  
27 "32-628, 32-629, 32-630, 32-1303".

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3. Renumber the remaining sections accordingly.